



**Better futures
for children &
young people.**

The Charter Schools Educational Trust

Suspensions and Exclusions Policy

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Statement of Intent

At The Charter Schools Educational Trust (the 'Trust'), we understand that good behaviour and discipline is essential for promoting a high-quality education.

As a Trust, we do not wish to suspend or permanently exclude any child from any of our schools but on rare occasions, this may be necessary. Our aims are to ensure that:

- The process is applied fairly and consistently
- The process is understood by trustees, local governors, staff, parents/carers and pupils
- The Trust and its schools maintain a safe and caring environment in which all pupils can learn and succeed
- Rigorous Early Help strategies are used to support pupils to reduce the need for any suspension or permanent exclusion
- Pupils do not become NEET (not in education - employment or training)
- All suspensions and permanent exclusions are carried out lawfully

Amongst other disciplinary sanctions, our schools recognise that the suspension or permanent exclusion of pupils may be necessary where there has been a serious breach, or consistent breaches, of the school's Behaviour Policy. Only the headteacher (read also 'principal') of a school can suspend or permanently exclude a pupil on disciplinary grounds.

The decision to exclude a pupil permanently should only be taken:

- in response to a serious breach or persistent breaches of the school's behaviour policy; and
- where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others such as staff or pupils in the school.

In all cases, suspension or permanent exclusion of a pupil will only be used as a means of last resort.

The Trust has created this policy to clearly define the legal responsibilities of the Headteacher (read also 'Principal'), Trustees and Local Governors, and the Local Authority when responding to pupil suspensions and exclusions, to ensure that they are dealt with both fairly and lawfully, and in line with DfE statutory guidance.

A note on off-rolling

'Off-rolling' is a form of gaming and occurs where a school decides, in the interests of the school and not the pupil, to:

- Remove a pupil from the school admission register without a formal, permanent exclusion, or
- Encourage a parent/carer to remove their child from the school, or
- Encourage a sixth-form student not to continue with their course of study, or
- Retain a pupil on the school admission register but not allow them to attend the school normally, without a formal permanent exclusion or suspension
- Move a pupil to alternative provision (AP) where this is not in their best interests, or
- Send a pupil home without formally recording a suspension regardless of whether it occurs with the agreement of parents/carers, or

- Place a pupil on a part-time timetable for behavioural reasons
- Remove a pupil from the school roll without following due process

Accordingly, we will not suspend or exclude a pupil unlawfully by telling or forcing them to leave, encouraging their parent(s)/carer(s) to remove them from the school, or not allowing them to attend school without following the statutory procedure contained in the [School Discipline \(Pupil Exclusions and Reviews\) \(England\) Regulations 2012](#), or formally recording the event.

Any suspension or exclusion will be made on disciplinary grounds, and will not be made:

- Because a pupil has special educational needs and/or a disability (SEND) that the school feels unable to support, or
- Due to a pupil's poor academic performance, or
- Because the pupil hasn't met a specific condition, such as attending a reintegration meeting

If any pupil is suspended or excluded on the above grounds, this will also be considered as 'off-rolling'.

Definitions

Suspension – when a pupil is removed from the school for a fixed period. This was previously referred to as a 'fixed-term exclusion'.

Permanent exclusion – when a pupil is removed from the school permanently and taken off the school admission register. This is sometimes referred to as an 'exclusion'.

Off-site direction – when a Headteacher requires a pupil to attend another education setting temporarily, to improve their behaviour.

Parent/carers – any person who has parental responsibility and any person who has care of the child.

Managed move – when a pupil is transferred to another school permanently. All parties, including parents/carers and the admission authority for the new school, should consent before a managed move occurs.

Cancelled exclusion – an exclusion that has been cancelled before the governing board has met to consider whether the pupil should be reinstated.

Legislation and statutory duty

This policy is based on statutory guidance from the Department for Education (DfE): [Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement](#).

It is based on the following legislation, which outlines schools' powers to exclude pupils:

- Section 51a of the Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012

In addition, the policy is based on:

- Part 7, chapter 2 of the Education and Inspections Act 2006, which sets out parental responsibility for excluded pupils
- Section 579 of the Education Act 1996, which defines 'school day'
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007, as amended by The Education (Provision of Full-Time Education for Excluded Pupils) (England) (Amendment) Regulations 2014
- The Equality Act 2010
- Children and Families Act 2014
- The School Inspection Handbook, which defines 'off-rolling'

This policy complies with our funding agreement and articles of association.

This policy also has due regard to statutory and non-statutory guidance, including, but not limited to, the following:

- DfE (2026) 'Keeping Children Safe in Education'
- DfE (2024) '[Working together to improve school attendance](#)'
- DfE (2024) '[Behaviour in schools](#)'
- DfE (2015) '[Special educational needs and disability code of practice: 0 to 25 years](#)'
- DfE (2018) '[Mental health and behaviour in schools](#)'

This policy operates in conjunction with the following school/Trust policies:

- School Behaviour Policy
- Trust Attendance Policy
- School Anti-Bullying Policy
- School Pupil Code of Conduct
- Trust Special Educational Needs and Disabilities (SEND) Policy
- School and Trust Child Protection and Safeguarding Policy

1. Introduction

- The Charter Schools Educational Trust's suspension and exclusion policy aims to set out the process that will be followed and the additional considerations around suspensions and exclusions that our schools will apply. Good behaviour and self-discipline lead to effective learning and help prepare children and young people for life beyond the school gate.
- Where the individual school's approaches towards behaviour management have been exhausted, then suspensions or exclusions will sometimes be necessary as a last resort. This is to ensure that other pupils and teaching staff are protected from disruption and can learn in safe, calm, and supportive environments.
- The Trust and its schools must always have regard to the DfE Statutory Guidance on Suspensions and Exclusions when making decisions on suspensions and exclusions and will follow the law, as set out in the relevant School Discipline (Pupil Exclusions and Reviews) (England) Regulation 2012 (as amended).
- This policy should be read in conjunction with the respective school's behaviour policy and the Trust SEND policy.

2. Application of policy

- This policy applies to all members of the Trust community. Each school within the Trust will apply suspensions and exclusions in accordance with this policy and ensure that its contents are relayed to all staff, parents/carers and pupils.

3. Types of exclusion

Suspensions and exclusions are different:

- **Suspensions** (previously called fixed-term exclusions) are where a pupil is prevented from attending the school for a fixed period following a breach of the school's behaviour policy. At the end of the period, they are expected to return to school following a reintegration meeting. A pupil may receive a maximum 45 days of suspension in an academic year before being permanently excluded.
- **Permanent exclusions** are where, subject to a decision of the governors' pupil discipline committee to consider the reinstatement of the pupil to the school, the pupil is prevented from attending the school again. A decision to permanently exclude will only be taken in response to a serious breach or persistent breaches of the school's behaviour policy; and where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others such as staff or pupils in the school.

4. Roles and responsibilities

All members of the Trust community are expected to follow this policy. Roles, responsibilities and expectations of each section of the Trust community are set out in detail below.

4.1 THE HEADTEACHER (read also Principal)

Only the headteacher (read also principal), or acting headteacher, can suspend or permanently exclude a pupil from school on disciplinary grounds. Every decision made will be proportionate to the seriousness of the behaviour and in accordance with the school's behaviour policy. The decision can be made in respect of behaviour inside or outside of school. The headteacher will only use permanent exclusion as a last resort.

A decision to suspend a pupil will be taken only:

- In accordance with the school's behaviour policy
- To provide a clear signal of what is unacceptable behaviour
- To show a pupil that their current behaviour is putting them at risk of permanent exclusion

Where suspensions have become a regular occurrence, the headteacher will consider whether suspensions alone are an effective sanction and whether additional strategies need to be put in place to address behaviour issues.

A decision to exclude a pupil will be taken only:

- In response to serious or persistent breaches of the school's behaviour policy, **and**
- If allowing the pupil to remain in school would seriously harm the education or welfare of others

Before deciding whether to suspend or exclude a pupil, the headteacher will:

- Consider all the relevant facts and evidence on the balance of probabilities, including whether the incident(s) leading to the exclusion was/were provoked
- Allow the pupil to give their version of events considering these in light of their age and understanding, unless it would not be appropriate to do so. The headteacher will consider the views of the pupil, in light of their age and understanding, before deciding to suspend or exclude, unless it would not be appropriate to do so.

Pupils who need support to express their views will be allowed to have their views expressed through an advocate, such as a parent/carer or social worker.

The headteacher will not reach their decision until they have heard from the pupil and will inform the pupil of how their views were taken into account when making the decision.

- Consider whether the pupil has special educational needs (SEN)
- Consider whether the pupil is especially vulnerable (e.g. the pupil has a social worker, or is a looked-after child (LAC) or a previously looked-after child)

- Consider whether all alternative solutions have been explored, such as:
 - For suspensions: detentions or other sanctions provided for in the behaviour policy
 - For exclusions: off-site direction (for temporary placements) or managed moves (which are permanent and not used as trial placements)
- Any decision made to suspend or exclude a pupil will be lawful, proportionate and fair, with respect to legislation relating directly to suspensions and exclusions and the school's wider legal duties, including the European Convention on Human Rights (ECHR). At all times, the Headteacher will take into account their legal duties under the Equality Act 2010 and the Special educational needs and disability code of practice: 0 to 25 years, ensuring that they do not discriminate on any grounds and will not increase the severity of a pupil's suspension or exclusion on these grounds.
- The Headteacher may cancel any suspension or exclusion that has already begun, or one that has not yet begun; however, this power will only be used if the suspension or exclusion has not already been reviewed by the pupil discipline committee.
- Any days spent out of school as a result of a suspension or exclusion prior to it being cancelled will count towards the maximum 45 school days that a pupil can be suspended or excluded in an academic year and should be recorded as such.
- A permanent exclusion will not be cancelled if the pupil has already been suspended or excluded for more than 45 school days in an academic year or if they will have been so by the time the cancellation takes effect.
- The Headteacher will report the number of suspensions and exclusions that have been cancelled, alongside the circumstances around and reasons for cancellation, to the LGB and Trust once per term, to allow them to have appropriate oversight.
- The Headteacher will not issue any 'informal' or 'unofficial' suspensions or exclusions, e.g. sending a pupil home to 'cool off', regardless of whether the parents have agreed to this.
- The Headteacher will not use the threat of suspension or exclusion as a means of instructing parents to remove their child from the premises.
- All suspensions and exclusions will be formally recorded on the school's pupil information system (Bromcom or SIMs).

4.1.1 CCTV, witness evidence and pupil views

The Trust uses Close Circuit Television (CCTV) within its premises. This is to provide a safe and secure environment for pupils, staff and visitors. If behavioural incidents are recorded on CCTV, the footage may be viewed as part of the investigation and the content considered before imposing a sanction. If CCTV is relied upon for a decision on a suspension or exclusion, then it will be shown in some format (redacted as necessary) at any pupil discipline committee meeting. Please see the Trust's privacy notices for more information.

Where witness evidence is relied upon, whether that be from a pupil or a staff member, the statement(s) will be provided at any pupil discipline committee meeting. All statements will be signed and dated unless the Headteacher has good reason to protect the anonymity of the relevant witness. Reasons may include threats of reprisals.

If witness statements are illegible, they will be typed up by a member of staff supporting the witness.

4.1.2 Consideration for vulnerable groups

Where there are concerns about the behaviour, or risk of suspension or permanent exclusion, of a pupil with SEN, a disability, SEMH or an education, health and care (EHC) plan, the school will, in partnership with others (including where relevant, the LA), consider what additional support or alternative placement may be required. This will involve assessing the suitability of provision for the pupil's SEN or disability.

Where a pupil has an EHC plan, the school will contact the LA about any behavioural concerns at an early stage and consider requesting an early annual review prior to making the decision to suspend or permanently exclude the pupil.

Where SEND or SEMH issues are identified, an individual behaviour plan will be created using the graduated response outlined in the school's Behaviour Policy. If the pupil continues to endanger the physical or emotional wellbeing of other pupils or staff, despite exhausting the graduated response process, then suspension or exclusion may be considered. In accordance with the Equality Act 2010, under no circumstances will a pupil with identified SEND or SEMH issues be suspended or excluded before the graduated response process has been completed.

Where a pupil with SEND or SEMH issues is excluded because of a SEND- or SEMH-related need that could not be met at the school, detailed records will be kept highlighting that these pupils are closely tracked and showing that the school has a close relationship with the pupil's next destination.

The Headteacher will work in conjunction with the parents of any pupil with additional needs to establish the most effective support mechanisms.

If there is an ongoing safeguarding investigation (whether that includes a criminal investigation or not) that may result in the permanent exclusion of a pupil, or if a pupil has been reinstated to the school, it is likely that complex and difficult decisions will need to be made. These decisions will be made alongside the school's safeguarding duties and its duty to provide an education.

The Headteacher will consider what extra support may be available for vulnerable pupil groups whose suspension and exclusion rates are higher, to reduce their risk of suspension or exclusion, including the following:

- LAC
- Pupils eligible for FSM
- Pupils with SEND

- Certain ethnic groups

4.1.3 Suspensions before a permanent exclusion

In exceptional circumstances, pupils may receive a suspension prior to a permanent exclusion. For each decision, the Headteacher will send the relevant letter setting out the rights of parents.

Exceptional circumstances may include where further evidence has come to light or where the incident was serious, and time is required to fully investigate the circumstances and consider alternatives.

A suspension cannot be converted into a permanent exclusion and so any subsequent exclusion would be a fresh decision based on additional investigation and evidence relating to the incident(s) due to commence immediately after the suspension had ended.

4.1.4 Offsite Direction

When considering off-site direction, the school complies with the Education (Educational Provision for Improving Behaviour) (Application to Academies and Pupil Referral Units and Minor Amendments) Regulations 2026 and has regard to the Arranging alternative provision: a guide for local authorities and schools.

Before directing a pupil off-site or agreeing a managed move, the school will:

- Ensure the pupil's views are sought and considered
- Be able to evidence that appropriate interventions have already been implemented
- Share relevant information with the receiving setting and the local authority (LA), including attainment data, risk assessments and support strategies

4.1.5 Managed Moves

Where a managed move is being considered for a pupil with a social worker, the school will inform, at the earliest opportunity:

- The social worker
- The DSL
- Parents/carers (unless this would create a safeguarding risk)
- For looked after children: the virtual school head (VSH)

The headteacher will consider the views of the pupil, in light of their age and understanding, before deciding to suspend or permanently exclude, unless it would not be appropriate to do so.

Pupils who need support to express their views will be allowed to have their views expressed through an advocate, such as a parent/carer or social worker.

The headteacher will not reach their decision until they have heard from the pupil and will inform the pupil of how their views were taken into account when making the decision.

If it is decided that a managed move is in the pupil's best interests, the original school and new school will work together to make sure that any personal education plan (PEP) that the pupil has is reviewed and amended to reflect the move.

4.1.6 Temporary removal of a pupil from the school site for safeguarding reasons

In exceptional circumstances, the headteacher may decide to temporarily prevent a pupil from attending the school site for safeguarding reasons. This is not an exclusion on disciplinary grounds.

This measure will only be used when:

- It is necessary to separate pupils to ensure safety, and
- There is no reasonable alternative that would allow all pupils to remain on site

Decisions will be made on a case-by-case basis, led by the designated safeguarding lead (DSL) and informed by multi-agency working where appropriate (e.g children's social care or the police).

Where this measure is used, the school will:

- Inform parents/carers without delay, including the reasons for the decision
- Notify the local governing board without delay – usually via the Chair
- Provide work for the pupil to complete at home, or work with the LA to ensure suitable education is arranged
- Support the pupil's reintegration, as soon as it is safe to do so

4.1.7 Informing parents/carers (or the pupil where they are 18 or older)

If a pupil is at risk of suspension or exclusion, the headteacher will inform the parents/carers/pupil as early as possible, in order to work together to consider what factors may be affecting the pupil's behaviour, and what further support can be put in place to improve the behaviour.

If the headteacher decides to suspend or permanently exclude a pupil, the parents/carers/pupil will be informed, **in person or by telephone**, of the period of the suspension or exclusion and the reason(s) for it, without delay.

The parents/carers/pupil will also be provided with the following information in writing, without delay:

- The reason(s) for the suspension or permanent exclusion
- The length of the suspension or, for a permanent exclusion, the fact that it is permanent
- Information about the parents'/carers'/pupil's right to make representations about the suspension or permanent exclusion to the governing board and, where the pupil is attending alongside parents/carers, how they may be involved in this

- How any representations should be made
- Where there is a legal requirement for the governors to hold a meeting to consider the reinstatement of a pupil, and that parents/carers/the pupil have a right to attend the meeting, be represented at the meeting (at their own expense) and bring a friend (and, where appropriate, more than one, subject to reasonable limits set by the governors)
- That parents/carers/the pupil have the right to request that the meetings be held remotely, and how and to whom they should make this request

If the pupil is of compulsory school age, the headteacher will also notify parents/carers without delay and by the end of the afternoon session on the first day their child is suspended or permanently excluded, that:

- For the first 5 school days of the suspension or exclusion (or until the start date of any alternative provision or the end of the suspension, where this is earlier), the parents/carers are legally required to ensure that their child is not present in a public place during school hours without a good reason. This will include specifying on which days this duty applies
- Parents/carers may be given a fixed penalty notice or prosecuted if they fail to do this
- If alternative provision is being arranged to improve behaviour, the written notification will include:
 - The start date for any provision of full-time education that has been arranged
 - The address at which the provision will take place
 - The name of the person the pupil should report to on arrival
 - The duration of the placement
 - The reasons for, and objectives of, the placement
 - The start and finish times of any such provision
 - Where 2 sessions per day are provided:
 - What time the morning sessions starts
 - What time the afternoon session ends
 - What time the break between them starts and ends
 - Where a single session per day is provided:
 - What time the session starts and ends

If the headteacher does not have all the information about the alternative provision arrangements by the end of the afternoon session on the first day of the suspension or permanent exclusion, they can provide the information at a later date, without delay and no later than 48 hours before the provision is due to start.

The only exception to this is where alternative provision is to be provided before the sixth day of a suspension or permanent exclusion, in which case the school reserves the right to provide the information with less than 48 hours' notice, with parents'/carers' consent.

If the headteacher cancels the suspension or permanent exclusion, they will notify the parents/carers/pupil without delay and provide a reason for the cancellation.

4.1.8 Informing the governors

The headteacher will, without delay, notify the school's local governing body of:

- Any permanent exclusion, including when a suspension is followed by a decision to permanently exclude a pupil
- Any suspension or permanent exclusion that would result in the pupil being suspended or permanently excluded for a total of more than 5 school days (or more than 10 lunchtimes) in a term
- Any suspension or permanent exclusion that would result in the pupil missing a National Curriculum test or public exam
- Any suspension or permanent exclusion that has been cancelled, including the reason for the cancellation

4.1.9 Informing the local authority (LA)

The headteacher will notify the LA of all suspensions and permanent exclusions without delay, regardless of the length of a suspension.

The notification will include:

- The reason(s) for the suspension or permanent exclusion
- The length of a suspension or, for a permanent exclusion, the fact that it is permanent

For a permanent exclusion, if the pupil lives outside the LA in which the school is located, the headteacher will also, without delay, inform the pupil's 'home authority' of the exclusion and the reason(s) for it.

The headteacher must notify the LA without delay of any cancelled exclusions, including the reason the exclusion was cancelled.

4.1.10 Informing the pupil's social worker and/or virtual school head (VSH)

If a:

- Pupil with a social worker is at risk of suspension or permanent exclusion, the headteacher will inform the social worker as early as possible

- Pupil who is a looked-after child (LAC) is at risk of suspension or exclusion, the headteacher will inform the VSH as early as possible

This is so they can work together to consider what factors may be affecting the pupil's behaviour, and what further support can be put in place to improve the behaviour.

Where a looked-after child is at risk of suspension or permanent exclusion, the school will consider:

- How effectively the current personal education plan (PEP) is being implemented, and
- Whether an interim review of the PEP needs to take place
- How the school is using Pupil Premium Plus

If the headteacher decides to suspend or permanently exclude a pupil with a social worker/a pupil who is looked after, they will inform the pupil's social worker/the VSH, as appropriate, without delay, that:

- They have decided to suspend or permanently exclude the pupil
- The reason(s) for the decision
- The length of the suspension or, for a permanent exclusion, the fact that it is permanent
- The suspension or permanent exclusion affects the pupil's ability to sit a National Curriculum test or public exam (where relevant)
- They have decided to cancel a suspension or permanent exclusion, and why (where relevant)

The social worker/VSH will be invited to any meeting of the governing board about the suspension or permanent exclusion. This is so they can provide advice on how the pupil's background and/or circumstances may have influenced the circumstances of their suspension or permanent exclusion. The social worker should also help ensure safeguarding needs and risks, and the pupil's welfare are taken into account.

4.1.11 Cancelling suspensions and permanent exclusions

The headteacher may cancel a suspension or permanent exclusion that has already begun, or one that has not yet begun, **but only where it has not yet been reviewed by the pupil discipline committee**. Where there is a cancellation:

The parents/carers (or the pupil if they are 18 or older), governors and LA will be notified without delay

- Where relevant, any social worker and VSH will be notified without delay
- The notification must provide the reason for the cancellation
- The governing board's duty to hold a meeting and consider reinstatement ceases
- Parents/carers (or the pupil if they are 18 or older) will be offered the opportunity to meet with the headteacher to discuss the cancellation, which will be arranged without delay

- The pupil will be allowed back in school without delay

Any days spent out of school as a result of any exclusion, prior to the cancellation, will count towards the maximum of 45 school days permitted in any school year.

A permanent exclusion cannot be cancelled if the pupil has already been excluded for more than 45 school days in a school year or if they will have been so by the time the cancellation takes effect.

4.1.12 Providing education during the first 5 days of a suspension or exclusion

If the pupil is not attending alternative (AP) provision, the headteacher will take steps to ensure that achievable and accessible work is set and marked for the pupil. Online pathways such as Google Classroom, Oak Academy or any other online pathway the school uses may be used for this. If the pupil has a special educational need or disability (SEND), the headteacher will make sure that reasonable adjustments are made to the provision where necessary.

If the pupil is looked after or if they have a social worker, the school will work with the LA to arrange AP from the first day following the suspension or permanent exclusion. Where this isn't possible, the school will take reasonable steps to set and mark work for the pupil, including the use of online pathways.

4.2 THE TRUST BOARD

The Trust board is responsible for forming committees to review exclusions and suspensions when it is required to do so, it is requested by parents, or it is, in its view, prudent to review an individual decision.

In our Trust this task is delegated to a pupil discipline committee which can be made up of a minimum of two local governors and/or trustees. In each case, the decision of the committee will be to decide whether to uphold the exclusion or suspension, or instead to reinstate the pupil to the school.

The pupil discipline committee has a duty to:

- Consider parents'/carers'/the pupil's (if they are 18 or older) representations about a suspension or permanent exclusion. It has a duty to consider the reinstatement of a suspended or permanently excluded pupil in certain circumstances.
- Ensuring suitable full-time education for any pupil of compulsory school age who is suspended for more than 5 days is arranged.
- The committee does not have to arrange such provision for pupils in their final year of compulsory education who do not have any further public exams to sit.

Monitoring and analysing suspensions and exclusions data

The Trust board will ensure review, challenge and evaluate the data on any of the Trust schools' use of suspension, exclusion, off-site direction to alternative provision, and managed moves. This oversight is delegated to the Local Governing Body (LGB) in each school, which will:

- Closely scrutinise patterns of all pupil movement, including suspensions, permanent exclusions, off-site direction and managed moves
- Ensure these measures are only used as a last resort
- Review any use of separation from site for safeguarding purposes
- Challenge the school's leadership team to identify and address emerging trends

The LGB will consider:

- How effectively and consistently the school's behaviour policy is being implemented
- The school register and absence codes
- Instances where pupils receive repeat suspensions
- Interventions in place to support pupils at risk of suspension or permanent exclusion
- Any variations in the rolling average of permanent exclusions, to understand why this is happening, and to make sure they are only used when necessary
- The timing of moves and permanent exclusions, and whether there are any patterns, including any indications that may highlight where policies or support are not working
- The characteristics of suspended and permanently excluded pupils, and whether pupils who share any particular characteristic are suspended or permanently excluded more than others
- Whether the placements of pupils directed off-site into alternative provision are reviewed at sufficient intervals to assure the school that the education is achieving its objectives and that pupils are benefiting from it
- The cost implications of directing pupils off-site

4.3 THE CLERK

The Clerk is responsible for:

- Informing the appropriate individuals that they are entitled to:
 - Make written representations to the panel
 - Attend the hearing and make oral representations to the panel
 - Be represented
 - Circulating copies of relevant papers **at least five school days** before the review to all parties
 - Giving all parties details of those attending and their role, once the position is clear.
- Attending the review and ensuring that minutes are produced in accordance with instructions from the panel within the timeframe of the policy.

4.4 THE LOCAL AUTHORITY (LA)

For permanent exclusions, the LA will arrange suitable full-time education to begin no later than the sixth school day after the first day of the exclusion.

For pupils who are looked after or have social workers, the LA and the school will work together to arrange suitable full-time education to begin from the first day of the exclusion.

5. Considering the reinstatement of a pupil

The pupil discipline committee must consider and decide on the reinstatement of a suspended or permanently excluded pupil within 15 school days of receiving the notice of the suspension or exclusion if:

- The exclusion is permanent
- It is a suspension that would bring the pupil's total number of days out of school to more than 15 in a term; or
- It would result in a pupil missing a public exam or National Curriculum test

Where the pupil has been suspended, and the suspension does not bring the pupil's total number of days of suspension to more than 5 in a term, the pupil discipline committee must consider any representations made by parents/carers / the pupil (if they are 18 or older). However, it is not required to arrange a meeting with parents/carers/the pupil and it cannot direct the headteacher to reinstate the pupil.

Where the pupil has been suspended for more than 5, but not more than 15 school days, in a single term, and the parents/carers/pupil make representations to the board, the pupil discipline committee will consider and decide on the reinstatement of a suspended pupil within 50 school days of receiving notice of the suspension. If the parents/carers/pupil do not make representations, the pupil discipline committee is not required to meet and it cannot direct the headteacher to reinstate the pupil.

Where a suspension or permanent exclusion would result in a pupil missing a public exam or National Curriculum test, pupil discipline committee will, as far as reasonably practicable, consider and decide on the reinstatement of the pupil before the date of the exam or test. If this is not practicable, the pupil discipline committee may consider the suspension or permanent exclusion and decide whether or not to reinstate the pupil.

The following parties will be invited to a meeting of pupil discipline committee and allowed to make representations or share information:

- Parents/carers, or pupils if they are 18 or older (and, where requested, a representative or friend, and where appropriate, more than 1, subject to reasonable limits set by the governing board)
- The pupil, if they are aged 17 or younger and it would be appropriate to their age and understanding (and, where requested, a representative or friend)
- The headteacher

- The pupil's social worker, if they have one
- The VSH, if the pupil is looked after

The meeting can be held remotely at the request of parents/carers, or pupils if they are 18 or older.

The pupil discipline committee will try to arrange the meeting within the statutory time limits set out above and must try to have it at a time that suits all relevant parties. However, its decision will not be invalid simply on the grounds that it was not made within these time limits.

The pupil discipline committee can either:

- Decline to reinstate the pupil, or
- Direct the reinstatement of the pupil immediately, or on a particular date (except in cases where the board cannot do this – see earlier in this section)

In reaching a decision, pupil discipline committee will consider:

- Whether the decision to suspend or permanently exclude was lawful, reasonable, and procedurally fair
- Whether the headteacher followed their legal duties
- The welfare and safeguarding of the pupil and their peers
- Any evidence that was presented to the governing board

They will decide whether or not a fact is true 'on the balance of probabilities'.

The clerk will be present when the decision is made.

Minutes will be taken of the meeting and a record kept of the evidence that was considered. The outcome will also be recorded on the pupil's educational record and copies of relevant papers will be kept with this record.

The pupil discipline committee will notify, in writing, the following stakeholders of its decision, along with reasons for its decision, without delay:

- The parents/carers, or the pupil if they are 18 or older
- The headteacher
- The pupil's social worker, if they have one
- The VSH, if the pupil is looked after
- The local authority
- The pupil's home authority, if it differs from the school's

Where an exclusion is permanent and the pupil discipline committee has decided not to reinstate the pupil, the notification of decision will also include the following:

- The fact that it is a permanent exclusion
- Notice of parents'/carers'/the pupil's (if they are 18 or older) right to ask for the decision to be reviewed by an independent review panel
- The date by which an application for an independent review must be made (15 school days from the date on which notice in writing of the pupil discipline committee's decision is given to parents/carers)
- The name and address to which an application for a review and any written evidence should be submitted

- That any application should set out the grounds on which it is being made and that, where appropriate, it should include reference to how the pupil's special educational needs (SEN) are considered to be relevant to the permanent exclusion
- That, regardless of whether the excluded pupil has recognised SEN, parents/carers/the pupil have a right to require the Trust to appoint an SEN expert to advise the review panel
- Details of the role of the SEN expert and that there would be no cost to parents/carers/the pupil for this appointment
- That parents/carers/the pupil must make clear if they wish for an SEN expert to be appointed in any application for a review
- That parents/carers/the pupil may, at their own expense, appoint someone to make written and/or oral representations to the panel
- That, if parents/carers/the pupil believe that the permanent exclusion has occurred as a result of unlawful discrimination, they may make a claim under the Equality Act 2010 to the first-tier tribunal (special educational needs and disability), in the case of disability discrimination, or the county court, in the case of other forms of discrimination. Also, that any claim of discrimination made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place

6. Removing excluded pupils from the school register

The Headteacher will remove pupils from the school register if:

- 15 school days have passed since the parents were notified of the PDC's decision not to reinstate the excluded pupil and no application for an independent panel review has been received.
- The parents have stated in writing that they will not be applying for an independent panel review following an exclusion.

If an application for an independent review panel (IRP) has been made within 15 school days, the Headteacher must wait until the review has been determined, or abandoned, and until the PDC has completed any reconsideration that the IRP recommended or directed it to carry out, before removing the pupil from the school register.

While the pupil's name remains on the school's admission register, the pupil's attendance will still be recorded appropriately. Where alternative provision (of an approved educational activity that does not involve the pupil being registered at any other school) has been made for an excluded pupil and they attend it, code B (education off-site) will be used on the attendance register. During off-site direction to another school or educational establishment, code D (dual registration) will be used.

Where excluded pupils are not attending alternative provision, code E (absent) will be used.

If a pupil's name is to be removed from the register, the Headteacher will make a return to the LA, which will include:

- The pupil's full name
- The full name and address of any parent/carer with whom the pupil normally resides

- At least one telephone number at which any parent/carer with whom the pupil normally resides can be contacted in an emergency
- The grounds upon which their name is to be deleted from the admissions register (i.e. permanent exclusion)
- Details of the new school the pupil will attend, including the name of that school and the first date when the pupil attended or is due to attend there, if the parents/carers have told the school the pupil is moving to another school
- Details of the pupil's new address, including the new address, the name of the parent/carer(s) the pupil is going to live there with, and the date when the pupil is going to start living there, if the parents/carers have informed the school that the pupil is moving house

Any return to the LA will be made as soon as the grounds for removal are met and no later than the date in which the pupil's name was removed.

If a pupil's name has been removed from the register and a discrimination claim is made, the pupil may be reinstated following a decision made by the First-tier Tribunal (SEND) or County Court.

7. Independent review panel

Parents/carers/ the pupil (if they are aged over 18) are required to submit their applications for an independent review of the governors' decision not to reinstate within:

- 15 school days of the PDC's notification of their decision.
- 15 school days of the final determination of a discriminatory claim made under the Equality Act 2010.

Any application made outside of the above timeframe will not be reviewed. Parents can request an independent review panel even if they did not make a case to, or attend, the pupil discipline committee's initial consideration of the exclusion.

Parents can request that independent review panels take place via remote access.

The Trust will adhere to all statutory guidelines when arranging an IRP, as outlined in the [DfE's statutory guidance](#).

7.1 Appointing a SEND Expert

If requested by parents in their application for an independent review panel, the Trust will appoint a SEND expert to attend the panel and covers the associated costs of this appointment. Parents have a right to request the attendance of a SEND expert at a review, regardless of whether the school recognises that their child has SEND.

The Trust will make arrangements to indemnify the SEND expert against any legal costs and expenses reasonably incurred as a result of any decisions or actions connected to the review and which are taken in good faith.

An individual will not serve as a SEND expert if they have, or at any time have had, any connection with the Trust, the school, parents or pupil, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their ability to act impartially; however, an individual is not taken to have such a connection solely because they are an employee of the LA.

The SEND expert will be a professional with first-hand experience of the assessment and support of SEND, as well as an understanding of the legal requirements on schools in relation to SEND. Examples of suitable individuals include educational psychologists, specialist SEND teachers, SENCOs and behaviour support teachers.

Whilst individuals are not automatically taken to be partial simply because they are an employee of, or contracted by, the Trust, they will not have had any previous involvement in the assessment or support of SEND for the excluded pupil, or siblings of the excluded pupil. The Trust will request that prospective SEND experts declare any conflict of interest at the earliest opportunity.

The final decision on the appointment of a SEND expert is for the Trust to make, but it will take reasonable steps to ensure that parents have confidence in the impartiality and capability of the SEND expert.

7.2 The role of the SEND expert

The SEND expert's role is to provide (orally and/or written) impartial advice to the panel on how SEND might be relevant to the exclusion. The SEND expert will base their advice on the evidence provided to the panel. The SEND expert's role does not include making an assessment of the pupil's SEND.

The focus of the SEND expert's advice will be on whether the school's policies which relate to SEND, or the application of these policies in relation to the excluded pupil, were legal, reasonable and procedurally fair. If the SEND expert believes that this was not the case, they will, where possible, advise the panel on the possible contribution this could have made to the circumstances of the pupil's exclusion.

Where the school does not recognise that a pupil has SEND, the SEND expert will advise the panel on whether they believe the school acted in a legal, reasonable and procedurally fair way with respect to the identification of any SEND that the pupil may potentially have, and any contribution that this could have made to the circumstances of the pupil's exclusion.

7.3 The Clerk to the IRP

The Trust will appoint arrange for the appointment of a suitably qualified clerk to the independent review panel.

Where a clerk is appointed, the Trust will ensure that the clerk did not serve as clerk to the PDC when the decision was made not to reinstate the pupil.

7.4 The duties of the Independent Review Panel

The role of the panel is to review the governors' decision not to reinstate an excluded pupil. In reviewing the decision, the panel will consider the interests and circumstances of the excluded pupil, including the circumstances in which the pupil was excluded, and have regard to the interests of other pupils and people working at the school. The panel will apply the civil standard of proof, rather than the criminal standard of 'beyond reasonable doubt'.

Following the review, the panel will do one of the following:

- Uphold the decision
- Recommend that the governing board reconsiders reinstatement
- Quash the decision and direct that the governing board reconsiders reinstatement

8. Conducting PDC meetings or IRPs via remote access

Parents, carers or excluded pupils if they are 18 or older, will be able to request that PDC meetings or IRPs are held via remote access; however, parents and pupils will be made aware that this is not the default option.

Where a parent, carer or pupil makes a request correctly in line with instructions set out in the Headteacher's or PDCs written notification, the PDC or Trust will hold the meeting via the use of remote access.

Remote meetings and panels will be held in accordance with timelines for face-to-face meetings.

Where a request for a meeting to be held via remote access is not made, or the parent or pupil does not state a preference, the meeting or panel will be held in person unless it is not practicable to do so.

Meetings will only be held via remote access if the governors or the Trust is satisfied that that the meeting can be held fairly and transparently. If this cannot be done, parents will be consulted to discuss how a face-to-face meeting can be arranged that will be convenient for them.

If there are technological or internet issues during a remote meeting which compromises the ability for participants to be seen or heard or prevents the meeting from being held fairly and transparently and it is not reasonably practicable to resolve, a face-to-face meeting will be arranged without delay.

When holding meetings or panels via remote access, the PDC or Trust will:

- Comply with relevant equalities legislation.
- Enable access to support which the parent is entitled to, including the presence of a friend.

- Confirm with all participants that they have access to the technology that will allow them to participate in the meeting or panel.
- Ensure all the participants will be able to put across their point of view and/or fulfil their function.
- Ensure the remote meeting or panel can be held fairly and transparently.

9. Reconsidering reinstatement following an IRP

Where the independent review panel directs the governors to reconsider their decision not to reinstate a pupil, they will do so within 10 school days of being given notice of the review panel's decision.

The Trust and its schools are aware that if, following a direction to reconsider, the PDC does not offer to reinstate the pupil, then the school will be required to make a payment of £4,000 directly to the LA area in which the school is located.

Where the independent review panel recommends that the governors should reconsider their decision not to reinstate a pupil, they will do so within 10 school days of being given notice of the review panel's decision. The school is aware that if, following a recommendation to reconsider, the governing board does not offer to reinstate the pupil, it will not be subject to a financial adjustment. If, following reconsideration, the governing board offers to reinstate the pupil, but the parents decline, no adjustment will be made to the school's budget.

Following reconsideration, the governors will notify the parents, Headteacher and LA of their reconsidered decision and the reasons for this.

10. Returning from a suspension, off-site direction or separation for safeguarding purposes

Where a pupil is suspended or is directed to be educated off-site or is subject to a separation for safeguarding purposes off school premises, upon return to the school both the pupil and parents/carers will be invited to a reintegration strategy meeting. The purpose of the meeting is to:

- offer the pupil a fresh start
- help them understand the impact of their behaviour on themselves and others
- support them to meet the high expectations of behaviour in line with the school culture
- foster a renewed sense of belonging within the school community; and
- build engagement with learning

School staff will work with the pupil to understand what led to the behaviour and to establish if any changes can be made or further support implemented from a pastoral or practical perspective that might reduce the chance of repeat behaviours. Previous behaviour is not seen as an obstacle to future success.

The schools use various measures to support a pupil's successful reintegration which may include (please note that this is not an exhaustive list):

- Regular contact with a designated pastoral professional in-school
- use of a report card with personalised targets leading to personalised rewards
- ensuring the pupil receives academic support upon return to catch up on any lost progress
- planned pastoral interventions
- mentoring by a trusted adult or a local mentoring organisation
- regular reviews with the pupil and parents to praise progress being made and raise and address any concerns at an early stage; and
- informing the pupil, parents and staff of potential external support.

Part-time timetables will not be used as a tool to manage behaviour and, if used, will be put in place for the minimum time necessary.

The strategy will be regularly reviewed and adapted where necessary throughout the reintegration process in collaboration with the pupil, parents/carers and other relevant parties.

Whilst reintegration meetings are highly encouraged by the Trust, pupils will not be prevented from being admitted to the school or being put in mainstream classes because a meeting has not taken place.

11. Criminal investigations

The Headteacher will not postpone taking a decision to suspend or exclude a pupil due to a police investigation being underway, or any criminal proceedings that are in place.

Particular consideration will be given by the Headteacher when deciding to suspend or exclude a pupil where evidence is limited by a police investigation, to ensure that any decision made is fair and reasonable.

If the PDC is required to consider the Headteacher's decision in these circumstances, they will not postpone the meeting and will make a decision based on the evidence available.

12. Equality impact

The Trust does all it can to ensure that its policies do not discriminate against pupils or others, either directly or indirectly, in line with any Equality Act 2010 protected characteristics. This includes race, religion, disability, sexual orientation, and sex.

13. Monitoring arrangements

The Trust reviews data on suspensions and exclusions to ensure that the use of suspensions and exclusions across the Trust is appropriate.

The following are monitored by the Local Governing Body (LGB) in each school to ensure the processes and support for pupils are appropriate:

- the interventions put in place for pupils at risk of suspension and permanent exclusion
- the processes in place for determining and reviewing directions to alternative provision and that such placements are reviewed at sufficient intervals to assure that the education is achieving its objectives and that pupils are benefiting from it
- the full-time educational provision for pupils of compulsory school age from the sixth consecutive school day of a suspension, in particular checking the provision is suitable and quality-assured, including safeguarding arrangements, to ensure that:
 - any previous placements have been evaluated, including support for any applicable SEND
 - there is a process in place to monitor the pupil's attendance and behaviour at the provision
 - the correct attendance code is being used
 - the pupil's child protection file and any other information relevant to the pupil's safeguarding and welfare has been securely transferred to their new setting as early as possible
- whether there is any variation within the year on suspensions and permanent exclusions and the characteristics of pupils
- the cost implications of directing children to be educated off-site in alternative provision and whether there are any patterns to the reasons or timing of moves
- whether the school register and absence codes have been recorded correctly
- how the behaviour policy is applied and specifically its consistency
- the circumstances in which pupils receive repeat suspensions
- whether Personal Education Plans for looked after children have been reviewed on a termly basis

This Policy will be reviewed annually by the Trust Board or whenever statutory legislation changes, if sooner.

14. Complaints

If parents have any concerns or complaints over the application or implementation of this policy or feels that they are being pressured into a managed move, they should raise their concerns with a staff member or the Headteacher in accordance with the Trust's complaints policy. If the concern relates to an exclusion, the statutory procedure set out in the exclusions statutory guidance will be followed.